

FILED

FEB 21 2025

COUNTY OF HAMILTON

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT
CHATTANOOGA

U. S. District Court
Eastern District of Tennessee
At Chattanooga

CATHY EPPINGER

Plaintiff,

Civil Action No: 1:21-CV-00268-KAC-CHS

V.

UNIVERSITY OF TENNESSEE

JURY TRIAL DEMAND

AT CHATTANOOGA

Defendant,

AMENDMENT TO MOTION – INCORPORATION OF CASE LAW

Plaintiff, [Cathy Eppinger], *Pro Se* (Eppinger), hereby writes to formally request an amendment to my previous motion, [Doc 132] filed February 18, 2025. I propose incorporating the case law of *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976), to strengthen the legal basis of my proposal and to correct signature date from 2024 to 2025. [Attached herein, corrected Motion]

Original Motion: Congress can abrogate (remove) this immunity under certain circumstances, such as when enforcing the *Fourteenth Amendment*.

Amended Motion: Therefore, a plaintiff can bring a claim under 42 U.S.C. § 1981 against a state, despite the *Eleventh Amendment*. see *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976), the Supreme Court ruled that Congress could abrogate (remove) state sovereign immunity when it passed legislation under Section 5 of the 14th amendment to enforce equal protection rights.

The reason for this amendment is to ensure that my proposal is legally sound and aligns with established legal precedents.

Thank you for considering my request. Please let me know if you require any further information or have any questions.

Sincerely,

Cathy Eppinger